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LETTER DATED 3 MAY 1995 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you of Kuwait's position with respect to the developments that have taken place in connection with Iraq's failure to discharge its obligations under the Security Council resolutions relating to its aggression against the State of Kuwait, in particular resolution 687 (1991), the cease-fire resolution, since the Council's most recent review of the sanctions regime on 13 March 1995.

We convey to you hereunder the most salient of those issues with respect to which Iraq continues to engage in evasion and procrastination, in open defiance of United Nations resolutions.

I. KUWAITI AND THIRD-COUNTRY PRISONERS AND HOSTAGES

The meetings held on prisoners and hostages by the tripartite committee and its technical subcommittee, the most recent of which was that of the tripartite committee on 7 April 1995, have yet to yield any positive results. Through its shameless conduct at these meetings, Iraq has only demonstrated that it lacks seriousness in seeking a definitive resolution of this human tragedy, and it has thus failed to meet the obligation to cooperate with the International Committee of the Red Cross (ICRC) that was imposed upon it under paragraph 30 of resolution 687 (1991). The following facts would indicate that Iraq has thus far lacked any desire to resolve the issue and that it has been making an obvious and sustained effort to evade its obligations in this respect:

1. The purpose of Iraq's belated participation in the meetings of the tripartite committee and its technical subcommittee is not to bring the issue to a close but to create a favourable impression among the members of the Security Council that it is being cooperative. It is doing this in order to achieve the goal for which it is actually striving, namely the modification or mitigation of the sanctions regime of which it is the object.

2. Iraq's replies on certain dossiers forwarded to it by ICRC have been inadequate and are marked by the absence of any true and genuine desire to ascertain the fate of the prisoners.

3. Iraq is persisting in its refusal to allow ICRC to visit Iraqi prisons in implementation of the standard rules and procedures governing the work of ICRC.

4. Iraq refused to sign the minutes of the most recent meeting of the tripartite committee, that held at Geneva on 7 April 1995, because they contained a section setting forth Iraq's obligations and responsibilities and referring to the relevant Security Council resolutions. There can be no doubt that this illustrates Iraq's desire to evade its obligations and its persistence in attempting to exclude the Security Council from involvement in addressing the issue.

These practices demonstrate that Iraq's claims that it is cooperating with the tripartite committee are false. Had Iraq been cooperating seriously and genuinely in these meetings, they would have borne fruit in terms of producing results elucidating the fate of some of the Kuwaiti and third-country prisoners and missing persons, particularly since it is first and last Iraq that is responsible for ascertaining their fate. This, in its turn, casts doubt on the utility of holding such meetings.

It is very difficult for a regime such as that of Iraq to grasp the scale of the human suffering caused by its holding Kuwaiti and other prisoners. That is not to be wondered at; it has, after all, rejected the Security Council's recent resolution 986 (1995), which permits it two billion dollars' worth of exports every six months in order to provide for humanitarian needs such as food and medicine and to mitigate the suffering of its own people, a people that has suffered much because of the regime's anomalous policies and practices.

On the basis of the foregoing, Kuwait urges the members of the Security Council to pursue their earnest endeavours and maintain their resolute positions of principle with a view to bringing pressure to bear on Iraq, to require Iraq to discharge its obligations as set forth in paragraph 30 of resolution 687 (1991), and to remind Iraq that this is a humanitarian issue that must be addressed without the haggling, the attempts at circumvention, the procrastination or the selectivity that have characterized its record in implementing the other provisions of resolution 687 (1991) and the other resolutions relating to its aggression against Kuwait.

II. RETURN OF PROPERTY SEIZED BY IRAQ DURING ITS OCCUPATION OF KUWAIT

There can be no doubt that Iraq is making a serious effort to close the file on this matter, but it is endeavouring to end it without having done all that is required of it under the relevant Security Council resolutions. This selective manner of proceeding is by no means alien to the Iraqi regime. Had it been serious in its endeavour to discharge its obligations in this connection it could have done so within a two-year period at the very most. The matter

nevertheless remains unresolved, inasmuch as there are many lists of items that have yet to be returned. They include:

(a) Some 200 armoured vehicles that remain in Iraq's possession and that it used in its last military deployments near its boundaries with Kuwait;

(b) The HAWK missile system;

(c) The official documents looted by Iraqi forces from the Office of the Amir, the Office of the Crown Prince, the Cabinet Office and the Ministry of Foreign Affairs, and which cannot be regarded as property such as that referred to the United Nations Compensation Commission;

(d) The private-sector property that was stolen and whose value exceeds hundreds of millions of dollars. It was shipped to Iraq on the basis of inventories drawn up by Iraqi ministries and signed and stamped by designated government agencies that came to Kuwait to supervise the theft and removal operations. Kuwait has in its possession originals and copies of such documents left behind by the Iraqi regime on its ejection.

The Iraqi regime has a responsibility to comply fully with the letter and spirit of all the Security Council resolutions relating to its aggression against Kuwait and to demonstrate good faith in implementing those resolutions. The policies and practices of this regime, however, constantly provide grounds for a multitude of doubts concerning its intentions, even after it has discharged some of its obligations. The article on Iraq's recognition of Kuwait by Nuri Najm al-Marsumi, Under-Secretary at the Ministry of Information of the Iraqi regime, that was published by the Iraqi newspaper Al-Iraq on 11 April 1995 under the headline "American misunderstanding must be removed" perhaps illustrates the persistence of the regime in creating among the Iraqi people a false sense of having been wronged in relation to this issue, even after the regime's official recognition of the sovereignty and independence of Kuwait. In the article, the author states as follows:

> "Although Iraq has officially recognized Kuwait as a State, there is a widespread popular movement that does not endorse that recognition and that feels embittered that part of its precious homeland has been detached and transformed into a prize for the foreigner, a sanctuary for a dissolute clique such as the Al Sabah family and a source of conspiracy against the interests of the homeland and the people."

Unacceptable propagandistic language of this kind only increases suspicion and distrust of the Iraqi regime's intentions, especially in light of the fact that this regime has a long history testifying to its failure to honour its undertakings and commitments.

As a consequence of the foregoing, the Security Council, given its legal and political responsibilities and its knowledge and experience of the methods and manoeuvres of the Iraqi regime, must assess the extent of Iraq's compliance in light of the intentions it expresses and must oblige Iraq to take all of the steps necessary for the effective and genuine implementation of all the relevant

Security Council resolutions with a view to ensuring the establishment of security and stability in the Arabian Gulf region.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative